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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,018

06/24/2003

Joel K. Zupancic

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SCHWARTZ COOPER CHARTERED
IP DEPARTMENT
180 NORTH LASALLE STREET
SUITE 2700
CHICAGO, IL 60601

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,018

Applicant(s)

ZUPANCIC ET AL.

Examiner

Stephen Gravini

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 21-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Spychalla et al. (US 5,908,000). The claims are reasonably and broadly construed, in light of the accompanying specification to be disclosed by Spychalla as comprising:

connecting a plurality of control modules operably together through a backplane at column 4 lines 18-33;

programming an application module for controlling the heat generated by the device at column 3 lines 38-41;

receiving a power intensity value from a power intensity selector module at column 5 lines 14-22;

initiating a counter stored in a memory of a time selector module at column 8 lines 27-65;

incrementing a counter by the power intensity value at column 9 line 66 through column 9 line 23;

comparing the counter and a base resolution at column 2 lines 13-25; and transmitting a power intensity output signal to a device based on the comparison of the counter and the base resolution at column 2 lines 47-56. Spychalla also discloses the claimed continuous repeat until a time expiration at column 2 lines 37-46, power selection at column 9 line 24, determining a feature and generating a shutdown signal

based on a determination that the feature has exceeded a predetermined threshold value at column 8 line 16, re-initiating a signal and selecting receipt of a power signal at column 1 line 33, and selecting at least one of a plurality of lamps to receive the power intensity output signal at column 2 line 56.

Claims 28-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Wensel et al. (US 4,698,767). The claims are reasonably and broadly construed, in light of the accompanying specification to be disclosed by Wensel as comprising:

- a power intensity value **50** selectable on a power intensity module **40**;
- an application module **41** for:
 - initiating a counter **45**;
 - incrementing **39** the counter by the power intensity value;
 - comparing **48** the counter and a base resolution; and
 - generating a power intensity output signal **49** based on the comparison of the counter and the base resolution; or alternatively:
- a power intensity selector **50** on a module for selecting a power intensity value;
- a time cycle selector on a module for selecting a duration value at column 4 line 25;
- a temperature selector on a module for selecting a temperature value at column 1 lines 30-46;
- a base resolution selector **48** on a module for selecting a base resolution at column 5 lines 14-22;

a lamp selector **32** for selecting at least one of a plurality of lamps to receive the power intensity output signal; and

an application module **41** configured to initiate a counter; increment the counter by the power intensity value; determine whether the counter is greater than the base resolution; upon a determination that the counter is greater than the base resolution, generate a power intensity output signal and decrementing the counter by the base resolution; otherwise, increment the counter by the power intensity value; sense the temperature of an element of the system; whether the temperature of the element of the system has exceeded the temperature value; upon a determination that the temperature of the element of the system has exceeded the temperature value, generate a system shutdown signal; compare the counter and the duration value; and based upon the comparison of the counter and the duration value, generate a system shutdown signal wherein the disclosed sensor sample circuit at column 4 lines 16 through column 6 line 28 meets the claimed configuration; and

a backplane operably connecting the modules to each other to provide the communication path between modules to handle input and output signals from each module as shown in figures 2-7 or alternatively:

a backplane operably connecting each module in the programmable logic controller together for generation a power intensity value as shown in figures 2-7;

an application module **41** for:

initiating a counter **45**;

incrementing the counter **39** by the power intensity value;

comparing **48** the counter and a base resolution; and
generating a power intensity output signal **49** based on the comparison of the counter and the base resolution, wherein the base resolution is proportional to the power intensity value.

Response to Arguments

Applicants' arguments with respect to claims 21-25 and 27-38 have been construed but are moot in view of the new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272

4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
June 4, 2007

